

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

July 22, 2008

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No. 07-60959  
Summary Calendar

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Charles R. Fulbruge III  
Clerk

JOHN W. HARDY,

Plaintiff-Appellant,

v.

CITY OF SENATOBIA, MISSISSIPPI,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Mississippi  
No. 2:06-CV-81

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Before SMITH, BARKSDALE, and ELROD, Circuit Judges.

PER CURIAM:\*

John Hardy appeals the summary judgment denying his various state and federal claims. Instead of attacking the judgment in regard to the merits, Hardy

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

focuses on a notion that the motion for summary judgment was somehow not in a proper posture to be considered by the district court. In that respect, Hardy presents no cogent or meritorious argument.

In any event, the summary judgment is sound on the merits. We affirm, essentially for the reasons given by the district court in its Memorandum Opinion entered on November 1, 2007. Although it does not affect the result, we note that the district court erred in its analysis of the Fifth Amendment concerning the incorporation doctrine for the Fourteenth Amendment. See, e.g., *Benton v. Maryland*, 395 U.S. 784 (1969) (double jeopardy).

AFFIRMED.